

EXHIBIT J (EXCERPT)

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

IN RE PORK ANTITRUST
LITIGATION

Civil No. 18-1776 (JRT/HB)

DEFENDANT AGRI STATS, INC.’S
RESPONSES AND OBJECTIONS TO ALL
PLAINTIFFS’ FIRST SET OF REQUESTS
FOR PRODUCTION

This Document Relates to: All Actions

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure (the “Federal Rules”) and the Local Rules of the United States District Court for the District of Minnesota (the “Local Rules”), Defendant Agri Stats, Inc. (“Agri Stats”) submits these responses and objections to All Plaintiffs’ First Set of Requests for Production of Documents to Defendant Agri Stats, Inc. (the “Requests”), dated November 1, 2018. Agri Stats reserves the right to supplement these responses pursuant to Federal Rule of Civil Procedure 26(e).

GENERAL OBJECTIONS

These General Objections are incorporated in each of the specific responses to the Requests set forth below and have the same force and effect as if fully set forth therein. Without waiving any of these General Objections for any Request, Agri Stats shall specifically refer to certain of them in responding to certain requests.

The following responses are based upon the facts, documents, and information currently known and available to Agri Stats based on a reasonable investigation. Discovery, investigation, research, and analysis are ongoing, and may disclose the existence of additional responsive non-

ambiguous. Agri Stats objects to Request No. 15 to the extent that it requests all documents relating to industry leadership as overly broad, unduly burdensome, not germane to the subject matter of the case or reasonably calculated to lead to the discovery of admissible evidence, and not proportional to the needs of the case. Agri Stats further objects to Request No. 15 to the extent it seeks information about pork production outside the United States as overly broad, unduly burdensome, not germane to the subject matter of the case or reasonably calculated to lead to the discovery of admissible evidence, and not proportional to the needs of the case.

Subject to these objections and its General Objections, Agri Stats will search for, using reasonably tailored search terms or other agreed-upon methodology to be negotiated according to the process set forth in the ESI Order, documents in Agri Stats' custodial document collections that refer to discipline in pork production, supply, or capacity among domestic pork integrators.

REQUEST FOR PRODUCTION NO. 16:

For each Document Custodian, all:

- a) electronic and hard copy diaries, calendars, appointment books, notebooks, to-do lists, Day Timers, day planners or appointment notes;
- b) trip and travel logs, expense and entertainment reports, and other supporting Documents;
- c) a copy of the Person's most recently created resume or curriculum vitae (CV);
- d) copies of any transcripts or recordings of prior testimony relating to Competitive Conditions in the market for Pork, such as testimony at a deposition, trial, or public hearing;
- e) Documents sufficient to show the Document Custodian's complete contact information, including all phone numbers, social media user names or "handles," and email addresses used by such persons for any business purposes, even if only sparingly; and
- f) Any severance agreements in connection with the Document Custodian ceasing employment or changing employment status with You (without time limitation).

RESPONSE TO REQUEST NO. 16:

Agri Stats objects to Request No. 16 as overly broad, unduly burdensome, not germane to the subject matter of the case or reasonably calculated to lead to the discovery of admissible evidence, and not proportional to the needs of the case because it requests voluminous documents not related to the claims or issues in this litigation. Agri Stats objects to Request No. 16 on the grounds that it is overly broad, unduly burdensome, and not proportional to the needs of the case to the extent that it seeks documents concerning each Document Custodian's travel and expense reports, many of which are irrelevant, stored in off-site hard copy storage locations, or both. Agri Stats also objects on privacy grounds to producing personal information and content contained in electronic and hard copy diaries, calendars, appointment books, notebooks, to-do lists, Day Timers, day planners, or appointment notes. Agri Stats further objects to Request 16: (a) to the extent it seeks confidential business information or personal information of Agri Stats or third parties; (b) because it seeks documents not in Agri Stat's possession, custody, or control, including, but not limited to, a Person's resume or curriculum vitae and a Document Custodian's complete contact information; (c) to the extent it seeks documents and communications that are not kept in the ordinary course of business; and (d) because it seeks information protected by the attorney-client privilege, the work-product doctrine, joint-defense privilege or any other applicable privilege or protection recognized by any applicable law, including, but not limited to, appointment notes of meetings with Agri Stats's legal counsel.

Subject to these objections and its General Objections, Agri Stats will search for, using reasonably tailored search terms or other agreed-upon methodology to be negotiated according to the process set forth in the ESI Order, documents in Agri Stats's custodial document collections that reflect calendar appointments or meeting invites with Defendant Pork Integrators relating to

pork. Agri Stats will also conduct reasonable, targeted searches for hard-copy work calendars within Agri Stats's possession, custody, and control for custodian account managers that reflect calendar appointments or meetings with Defendant Pork Integrators. Agri Stats also will conduct a reasonable, targeted search for any centralized logs of meetings with any Defendant Pork Integrators concerning pork services.

REQUEST FOR PRODUCTION NO. 17:

All Documents concerning Pork pricing behavior at each level of distribution, including the extent that costs were passed on.

RESPONSE TO REQUEST NO. 17:

Agri Stats objects to Request No. 17 as overly broad, unduly burdensome, not germane to the subject matter of the case or reasonably calculated to lead to the discovery of admissible evidence, and not proportional to the needs of the case, as it does not purport to be limited to the alleged conspiracy or Defendants Pork Integrators' or Agri Stats' alleged role in that purported conspiracy. Agri Stats objects to Request No. 17 on the grounds that a request for all documents concerning pork pricing behavior at each level of distribution is overly broad, unduly burdensome, not germane to the subject matter of the case or reasonably calculated to lead to the discovery of admissible evidence, and not proportional to the needs of the case. Agri Stats further objects that the terms "pricing behavior" and "each level of distribution" are vague and ambiguous. Agri Stats also objects to Request No. 17 because it seeks documents that are available from a more convenient, more efficient, less burdensome, and less expensive source than Agri Stats, including, but not limited to, documents in the possession of Plaintiffs and in the public domain. Agri Stats further objects to Request No. 17 to the extent it seeks information about pork production outside the United States as overly broad, unduly burdensome, not

CERTIFICATE OF SERVICE

I hereby certify that on March 29, 2019, a true and correct copy of the foregoing was sent via electronic mail to all counsel on the service list provided by Plaintiffs' counsel.

Dated: March 29, 2019

/s/ Justin W. Bernick
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